

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of L.R.W., C.W., D.D.W., and
B.D.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ELIZABETH WELLS,

Respondent-Appellant,

and

WILLIAM MCGILL and MICHAEL ERVIN,

Respondents.

In the Matter of L.R.W., C.W., D.D.W., and
B.D.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIAM MCGILL,

Respondent-Appellant,

and

ELIZABETH WELLS and MICHAEL ERVIN,

Respondents.

UNPUBLISHED
February 25, 2003

No. 238262
Wayne Circuit Court
Family Division
LC No. 99-382240

No. 238386
Wayne Circuit Court
Family Division
LC No. 99-382240

In the Matter of L.R.W., C.W., D.D.W., and
B.D.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL ERVIN,

Respondent-Appellant.

No. 238484
Wayne Circuit Court
Family Division
LC No. 99-382240

Before: Jansen, P.J., and Hoekstra and Gage, JJ.

MEMORANDUM.

In Docket No. 238262, respondent Elizabeth Wells appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (j). In Docket No. 238386, respondent William McGill appeals as of right from the trial court order terminating his parental rights to his children, LRW, CW, and DDW, under MCL 712A.19b(3)(h), limiting his appeal to whether termination of his parental rights was in the children's best interests. In Docket No. 238484, respondent Michael Ervin appeals as of right from the trial court order terminating his parental rights to his child BDW under MCL 712A.19b(3)(c)(i) and (j). We affirm.

The children came into the court's care in 1999 after respondent Wells' older daughter, then fourteen years old, alleged that respondent Ervin had inappropriately touched her and that respondent Wells, who was informed of the inappropriate behavior, had not protected her from Ervin. At the adjudication trial, the court found that the allegations were substantiated. The court also found that respondent McGill, who had been convicted of first-degree felony murder in 1992 and sentenced to life without parole, was unable to protect his children from harm.

As part of their treatment, respondents Wells and Ervin were each required to admit to the sexual assault and their role in the children coming into the court's care. Although respondent Ervin complied with all aspects of his parent-agency agreement other than admitting to the abuse, the admission was deemed the most important aspect of his treatment. Respondent Wells failed to acknowledge the abuse or to comply with other aspects of her parent-agency agreement even after additional services were offered to her because of her diagnosis of mild mental retardation. Therefore, the court terminated all respondents' parental rights to their respective children.

Under the foregoing circumstances, the trial court did not clearly err in finding that the statutory grounds for termination of the parental rights of respondents Wells and Ervin were

established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of any of the respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating each of the respondents' parental rights to their respective children.

Affirmed.

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra

/s/ Hilda R. Gage